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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,722	01/24/2001	Jean-Claude Martin	Q62481	3662

7590 09/26/2005

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WASHINGTON, DC 20037-3213

EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/767,722

Applicant(s)

MARTIN ET AL.

Examiner

Naghmeh Mehrpour

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 26 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5, 7-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-5, 7-8 is/are rejected.
- 7) ☐ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2-5, 7-8, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalbermatter et al. (US Patent Number (5,508,978) in view of Hatuse et al. (US Patent Number 4,257,115).

Regarding claim 7, Kalbermatter teaches a crystal in particular for a telephone watch (col 3 lines 26-36). Kalbermatter fails to teach the watch including: a keyboard disposed under a lower face of the surface, said crystal including a thick zone and a thinned zone the keyboard being deposited in the thinned zone, the entire surface of telephone watch is crystal, and the keyboard formed in particular of a plurality of capacitive sensors, the keys being activated by placing a finger on the upper face of the crystal opposite the at least one electrode. However, Hatuse teaches a keyboard disposed under a lower face of the surface, said crystal including a thick zone and a thinned zone the keyboard being deposited in the thinned zone, the entire surface of telephone watch is crystal, and the keyboard formed in particular of a plurality of capacitive sensors, the keys being activated by placing a finger on the upper face of the crystal opposite the

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at least one electrode (col 2 lines 36-67 col 3 lines 1-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Hatuse with Kalbermatter, in order to reduce the dimension of telephone to the point that it can be carried on the human body and at the same time avoiding pressing several keys at the same time.

Regarding claim 2, Kalbermatter fails to teach teaches a telephone watch wherein the thinned zone is arranged on the side of the crystal lower face. However, Hatuse teaches a watch wherein the thinned zone is arranged on the side of the crystal lower face (col 3 lines 50-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Hatuse with Kalbermatter, in order to reduce the dimension of telephone to the point that it can be carried on the human body and at the same time avoiding pressing several keys at the same time.

Regarding claim 3, Kalbermatter fails to teach an apparatus wherein the thick zone is disposed at its center and in that the thinned zone is disposed at its periphery. However Hatuse teaches an apparatus wherein the thick zone is disposed at its center and in that the thinned zone is disposed at its periphery (col 3 lines 50-67, col 4 lines 1-5). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Hatuse with Kalbermatter, in order to reduce the dimension of telephone to the point that it can be carried on the human body and at the same time avoiding pressing several keys at the same time.

Regarding claim 4, Kalbermatter teaches an apparatus wherein it is round wherein the thinned zone forms a ring under which the keyboard is deposited (see figure 5, col 3 lines 50-67, col 4 lines 1-31). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Hatuse with Kalbermatter, in order to reduce the dimension of telephone to the point that it can be carried on the human body and at the same time avoiding pressing several keys at the same time.

Regarding claim 5, Kalbermatter fails to teaches a crystal telephone wristwatch wherein the keyboard includes a first decorative opaque layer formed of numbers and signs and deposited directly under the thinned zone, and a second layer deposited under the first and formed of a plurality of conductive pads, a conductive pads corresponding to each number or sign the conductive pads being individually connected to a printed circuit. However, Hatuse teaches a crystal telephone wristwatch wherein the keyboard includes a first decorative opaque layer formed of numbers and signs and deposited directly under the thinned zone, and a second layer deposited under the first and formed of a plurality of conductive pads, a conductive pads corresponding to each number or sign the conductive pads being individually connected to a printed circuit. (see figure 5, col 2 lines 35-67, col 4 lines 3 lines 67, col 4 lines 1-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Hatuse with Kalbermatter, in order to reduce the dimension of telephone to the point that it can be carried on the human body and at the same time avoiding pressing several keys at the same time.

Regarding claim 8, Kalbermatter fails to teach a crystal telephone wristwatch wherein the keys and the keyboard are arranged only in the thinned zone. However, Hatuse teaches a crystal telephone wristwatch wherein the keys and the keyboard are arranged only in the thinned zone (col 3 lines 20-67, col 4 lines 1-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Hatuse with Kalbermatter, in order to reduce the dimension of telephone to the point that it can be carried on the human body and at the same time avoiding pressing several keys at the same time.

Allowable Subject Matter

3. Claim 6, is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments with respect to claims 2-8, have been considered but are moot in view of the new ground(s) of rejection. ^{2-5, 7-8}

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sasaki et al. (US Patent 4,247,929) disclose switching mechanism for electronic wristwatch

Nakamura et al. (US Patent 4,055,755) disclose switching assembly in combination wristwatch and calculator

6. Any responses to this action should be mailed to:

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (571) 272-7905.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

September 20, 2005



MELODY MEHROUR
PATENT EXAMINER

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